

ORDINANCE #07-13

AN ORDINANCE TO AMEND THE ZONING ORDINANCE #04-09, OF THE TOWN OF NOLENSVILLE, TENNESSEE

WHEREAS, the Town of Nolensville enacted Zoning Ordinance 04-09 in 2004. Prior to the enactment of 04-09, the Town enacted Ordinance #98-22 in 1998 which amended the initial zoning ordinance of the Town of Nolensville. Subsequent amendments have been enacted prior to the enactment of Ordinance 04-09; and

WHEREAS, The Town of Nolensville Planning Commission met on June 12, 2007, and discussed the policy of how the Town of Nolensville should regulate in the zoning ordinance,

WHEREAS, the Town of Nolensville Planning Commission has recommended certain the amendments to the Nolensville Board of Mayor and Aldermen,

WHEREAS, the Board of Mayor and Aldermen has conducted a public hearing on August 2, 2007, thereon; and

WHEREAS, The Board of Mayor and Aldermen believe it is in the best interest of the citizens and residents of the Town to revise the Ordinance 04-09 as it relates to the permitting of building structures, building envelopes, and incidental structures,

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN, that Zoning Ordinance 04-09 of the Town of Nolensville is amended by revising said ordinance as follows:

Section1:

Article 1.13.2, General Terms section of Definitions that reads:

The definition of the term "Structure" -- Anything constructed above or below ground, including signs, fences, arbors and gazebos.

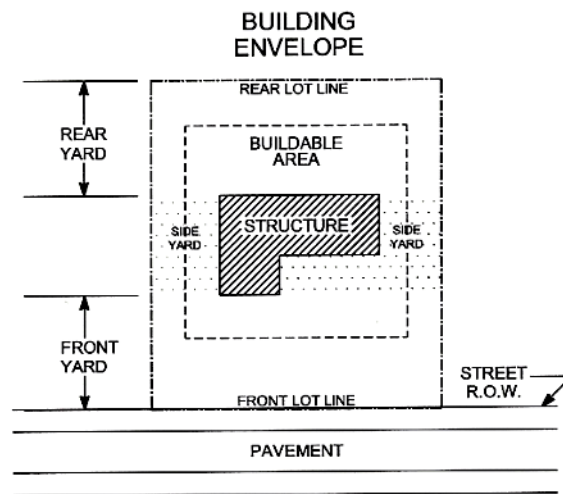
Shall be revised to read as follows:

Structure -- Anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, decks, walls or any sign, but does not include fences that do not exceed six feet in height, or open air surfaced areas.

The definition of the term "**Building Envelope**" -- The area of a lot, minus all required setbacks, easements and buffer yards, on which a structure can be constructed according to the provisions of this ordinance.

Shall be revised to read as follows:

Building Envelope -- The area of a lot, minus all required setbacks, easements and buffer yards, on which the principal building (contains the principal use of the lot) can be constructed according to the provisions of this ordinance.



Section 2:

Article 9.3.1 that reads as follows:

Building Permit Required A landowner or their designee is required to file an application for a building permit with the Town prior to commencing any excavation, construction, or alteration of a structure or initiating a change in use on the property.

Shall be revised to read as follows:

Building Permit Required A landowner or their designee is required to file an application for a building permit with the Town prior to commencing any excavation, construction, or alteration of a building, accessory structure, incidental structures per International Code Council [examples (but not limited to): decks, arbors, fences, retaining walls] or initiating a change in use on the property.

Section 3:

Articles 2.2.1 ER, 2.2.2 SR and 2.2.4 V; these district sections shall be amended under the District Standards part of these districts to add a paragraph describing the

obstructions, or improvements, that are permitted with conditions or limitations set forth herein. This paragraph will follow the District Standard Terms sentence.

Permitted Incidental Structures Within Setbacks

The following items that are incidental and subordinate to the principal building may be located within required setbacks as described below:.

- 1) Arbors and trellises; awnings, patio covers, or canopies projecting not more than six feet from the principal building wall over a required rear setback, and having no supports other than provided by the wall or its integral parts; chimneys projecting not more than three feet into the required rear or side setback; flagpoles having only one structural ground member; fountains; heating, ventilation and air conditioning units (including compressors and condensers) for single-family or two-family or dwellings in rear or side setbacks, provided exhaust air is directed vertically or otherwise away from the adjacent property line; mailboxes;
- 2) Open terraces, including natural plant landscaping; open patios; open, uncovered stoops, including handicap ramps; for single family or duplex uses, parking spaces for the handicapped; recreational equipment in the rear setback in residential districts;
- 3) Steps to the principal entrance and necessary landings, together with a railing no more than three feet high, and extending no more than six feet into the setback; not allowed to encroach side setbacks.
- 4) Trees, shrubs, flowers, hedges or other features of natural growth;
- 5) Screening Walls or Fences:
 - a) that are located in the rear setback and do not exceed six feet in height, or
 - b) Open fences of metal or wood rail type may be located in the front yard setback in the ER District if the front entrance is not gated. Gated entrances must provide proof of emergency access systems.
- 6) An uncovered deck that is located at least ten feet from the rear property line, does not encroach on required side setbacks or public utility or drainage easements, and has a maximum deck elevation no greater than the average finished first floor elevation of the principal building as established by the front entrance; In P.U.D.'s with lots under 11,000 square feet, an uncovered deck must be located no closer than five feet from the rear property line that abuts on a dedicated open space area and meets all other requirements above.
- 7) Satellite dishes not exceeding the dish size in diameter that can be regulated by local governments as established by FCC regulations; and, yard and service lighting fixtures and poles;
- 8) Accessory buildings that meet specific requirements of each zoning district.

Section 4:

The provisions contained herein shall be incorporated in the zoning ordinance #04-09, as amended, which ordinance shall now be designated as ordinance #04-09. The adoption of this ordinance is the adoption of the entire zoning ordinance as modified and amended by this ordinance and the Zoning Ordinance shall hereinafter be referred to as ordinance #04-09.

Section 5:

The Mayor and Board of Aldermen of the Town of Nolensville, Tennessee, hereby certify that these amendments have been submitted by the Planning Commission of the Town of Nolensville, and a notice of hearing thereof has been ordered of the time and place of said meeting and has been published in a newspaper circulated in the Town of Nolensville, Tennessee. This Ordinance shall take effect immediately from the date of its final passage, the public welfare demanding it.

Beth Lothers, Mayor

Attest: _____
Town Recorder

Approved by: _____
Town Attorney

Passed 1st Reading: _____

Public Hearing: _____

Passed 2nd Reading: _____